

ORDINANCE NO. 2004 -005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT SCA 2004-00001 (SUMMIT PINES INDUSTRIAL); MODIFYING PAGE 64 OF THE FLUA BY CHANGING APPROXIMATELY 5.73 ACRES GENERALLY LOCATED ON THE NORTHWEST CORNER OF MILITARY TRAIL AND SUMMIT BOULEVARD WRAPPING AROUND THE COMMERCIAL PROPERTY DIRECTLY ON THE CORNER, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) TO ECONOMIC DEVELOPMENT CENTER, WITH AN UNDERLYING 8 UNITS PER ACRE (EDC/8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 14, 2003, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on February 26,
4 2004, to review the recommendations of the Local Planning Agency and
5 to consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 64 is amended as follows:

17 Application No.: SCA 2004-00001 (SUMMIT PINES INDUSTRIAL)

18 Amendment: From Commercial High, with an underlying 8
19 units per acre (CH/8) to Economic
20 Development Center, with an underlying 8
21 units per acre (EDC/8);

22 General Location: Northwest corner of Military Trail and
23 Summit Boulevard wrapping around the
24 commercial property directly on the corner;

25 Size: Approximately 5.73 acres;

26 Part II. Repeal of Laws in Conflict

27 All local laws and ordinances applying to the unincorporated area
28 of Palm Beach County in conflict with any provision of this ordinance
29 are hereby repealed to the extent of such conflict.

30 Part III. Severability

31 If any section, paragraph, sentence, clause, phrase, or word of
32 this Ordinance is for any reason held by the Court to be
33 unconstitutional, inoperative or void, such holding shall not affect
34 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provisions of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 This amendment shall not become effective until 31 days after
9 adoption. If challenged within 30 days after adoption, this amendment
10 shall not become effective until the state land planning agency or the
11 Administration Commission, respectively, issues a final order
12 determining the amendment is in compliance.

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of
14 Palm Beach County, on the 26 day of February, 2004.

15 ATTEST:

16 DOROTHY H. WILKEN, Clerk

17 PALM BEACH COUNTY, FLORIDA,

18 BY ITS BOARD OF COUNTY COMMISSIONERS

19 By: Linda C. Hooker

20 Deputy Clerk

21 By: Karen T. Marcus

22 Karen T. Marcus, Chair

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24 [Signature]
25 COUNTY ATTORNEY

26 Filed with the Department of State on the 1 day

27 of March, 2004.
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29
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EXHIBIT 1

Amendment No.: Summit Pines Industrial (SCA 2004-00001)

FLUA Page No.: 64

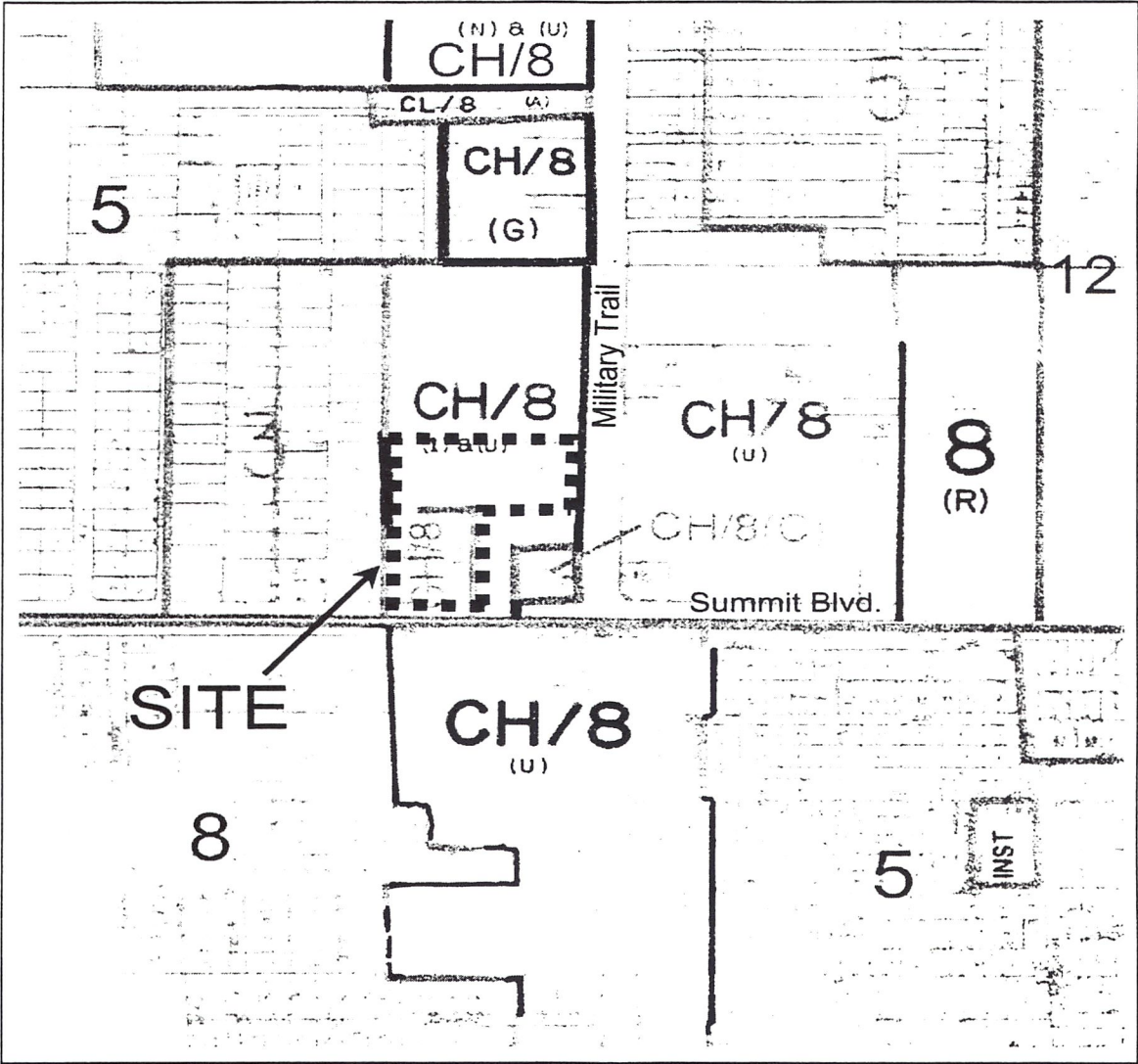
Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) to Economic Development Center, with an underlying 8 units per acre (EDC/8)

Location: Northwest corner of Military Trail and Summit Boulevard wrapping around the commercial property directly on the corner.

Size: Approximately 5.73 acres

Property No.: 00-42-44-01-00-000-7710, 00-42-44-01-00-000-7730, 00-42-44-01-00-000-7760, 00-42-44-01-00-000-7770

Legal Description: See attached



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Legal Description:

Parcel 771

The East 136 feet of the West 272 feet of the East 1/2 of Lot 4, Block 3, Plat No. 1 Palm Beach Plantations (Model Land Company), a subdivision of Section 1, Township 44 South, Range 42 East, and recorded on Plat Book 10, Page 20, Public Records Palm Beach County, Florida less the South 70 feet thereof and less the North 240 feet thereof.

Parcel 773

The West 136 feet of the South 1/2 of the East 1/2 of Lot 4, Block 3, and the South 93.72 feet of the West 136 feet of the North 1/2 of the East 1/2 of Lot 4, Block 3, Plat No. 1 Palm Beach Plantations (Model Land Company) according to the map or plat thereof as recorded in Plat Book 10, Page 20, less and excepting therefrom that parcel conveyed to the County of Palm Beach, Florida, as described in those certain deeds recorded on Official Record Book 2428, Page 1214 and Official Record Book 4771, Page 355, Public Records of Palm Beach County, Florida

Parcel 776

The North 240 feet of the West 272 feet of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East Palm Beach County, Florida

Parcel 777

The North 250 feet of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East less and excepting the West 272 feet and the East 60 feet thereof

and

The East 13.54 feet of the West 285.54 feet of the North 222.24 feet of the South 292.24 feet of the East 1/2 of Lot 4, Block 3, of Plat No. 1, Palm Beach Plantations (Model Land Company) a Subdivision of Section 1, Township 44 South, Range 42 East, and recorded in Plat Book No. 10, Page 20 Public Records of Palm Beach County, Florida

Total Acreage = 249,390.01 square feet or 5.73 Acres

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on February 26, 2004
DATED at West Palm Beach, FL on 3/4/04.
DOROTHY H. WILKEN, Clerk
By: W. Earl Brown D.C.